IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1349 of 2020

M.Baskaran ...Petitioner

Vs.

1.The General Manager,
Indian Bank,
Vigilance Department,
254-260, Avvai Shanmugam Salai,
Royapettai,
Chennai – 600 0114.

2.The Deputy General Manager,
Indian Bank,
Zonal Office,
Cuddalore. ...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and pass orders on the petitioner representation dated 31.08.2016 for release the caution deposit amount of Rs.2,00,000/- (Two Lakh Rupees Only).

For Petitioner : Mr.M.Sarath Kumar

For Respondents : M/s.S.R.Sumathy for R1

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the respondents to consider and pass orders on the petitioner's representation dated 31.08.2016 for release of the caution deposit amount of Rs.2,00,000/-.

2.The case of the petitioner is that while the petitioner was serving as Branch Manager of Padupattu Branch between the period 08.05.2010 and 17.12.2010, one K.Babu approached the petitioner to make a term deposit of Rs.2 Lakhs for one year by transferring funds from his savings bank account. Since there was power failure, manual receipt was given to him with immediate effect and since there was problem in the server, the amount lied in his savings bank account itself. After two months, the said K.Babu, made another term deposit by adding Rs.1,30,000/- in the said Rs.2 Lakhs and the petitioner explained about the non transfer of funds and said that the said receipt has no value since the amount was not transferred. However, the said K.Babu lodged complaint against the Branch Manager.

3.The further case of the petitioner is that the petitioner was issued with charge memo on 17.08.2013 and minor punishment of censure was imposed on 23.09.2013. The petitioner was asked to deposit a sum of Rs.2 Lakhs in Sirkali Branch as caution deposit. Thereafter the petitioner made representation to the respondents seeking to release the said amount and since there was no response, has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that based on the complaint lodged by the said K.Babu, a criminal case was registered against the petitioner and the same culminated into C.C.No.22 of 2014 on the file of the learned Judicial Magistrate, Sankarapuram. Since the amount of Rs.2 Lakhs lied in the credit of the said K.Babu's savings bank account, the petitioner preferred Crl.O.P.No.28658 of 2018 before this Court seeking to quash the proceedings in C.C.No.22 of 2014 and this Court vide order dated 17.12.2019 granted an order of interim stay. Hence, this Court may issue direction to the respondents to release the amount of Rs.2 Lakhs deposited by the petitioner as caution deposit.

5.In reply, the learned counsel appearing for the first respondent would submit that while the petitioner was serving as Branch Manager of Padupattu Branch, one K.Babu approached the petitioner to make a term deposit of Rs.2 Lakhs for one year by transferring funds from his savings bank account. Since there was power failure, manual receipt was given to him with immediate effect and since there was problem in the server, the amount lied in his savings bank account itself. After two months, the said K.Babu, made another term deposit by adding Rs.1,30,000/- in the said Rs.2 Lakhs and the petitioner informed the said customer that the manual receipt issued already for Rs.2 Laks has become infructuous. The same was not accepted by the said K.Babu and he lodged a complaint against the petitioner and a minor punishment of censure was imposed on the petitioner.

6.The learned counsel appearing for the first respondent would further submit that inorder to protect the financial interest of the respondent, a sum of Rs.2 Lakhs was deposited by the petitioner in Sirkali Branch as caution deposit and this was done with the concurrence of the petitioner as the respondent Bank could not crystilise the amount of loss it may incur by way of damages.

7.The learned counsel appearing for the first respondent would further submit that based on the complaint lodged by the said K.Babu, a criminal case was registered against the petitioner and the same culminated into C.C.No.22 of 2014 on the file of the learned Judicial Magistrate, Sankarapuram, Kallakurichi. Thereafter, the petitioner preferred Crl.O.P.No.28658 of 2018 before this Court seeking to quash the proceedings in C.C.No.22 of 2014 and the said Crl.O.P. is also pending before this Court.

8.Heard the submissions made on either side and perused the materials available on record.

9.The facts in the case is not in dispute. Admittedly, while the petitioner was serving as Branch Manager of Padupattu Branch, one K.Babu approached the petitioner to make a term deposit of Rs.2 Lakhs for one year by transferring funds from his savings bank account. Since there was power failure, manual receipt was given to him with immediate effect and since there was problem in the server, the amount lied in his savings bank account itself. After two months, the said K.Babu, made another term deposit by adding Rs.1,30,000/- in the said Rs.2 Lakhs and the petitioner informed the said customer that the manual receipt issued already for Rs.2 Laks has become infructuous. The same was not accepted by the said K.Babu and he lodged a complaint against the petitioner and a minor punishment of censure was imposed on the petitioner.

10.Inorder to protect the financial interest of the respondent, a sum of Rs.2 Lakhs was deposited by the petitioner in Sirkali Branch as caution deposit and this was done with the concurrence of the petitioner as the respondent Bank could not crystilise the amount of loss it may incur by way of damages.

11.Further, based on the complaint lodged by the said K.Babu, a criminal case was registered against the petitioner and the same culminated into C.C.No.22 of 2014 on the file of the learned Judicial Magistrate, Sankarapuram, Kallakurichi. Thereafter, the petitioner preferred Crl.O.P.No.28658 of 2018 before this Court seeking to quash the proceedings in C.C.No.22 of 2014 and the said Crl.O.P. is also pending before this Court.

12.Hence, during the pendancy of the criminal case against the petitioner, this Court is not inclined to issue any positive direction in this petition. However, liberty is granted to the petitioner to make fresh representation to the respondents after disposal of the pending criminal case.

13.With the above observation, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The General Manager,
Indian Bank,
Vigilance Department,
254-260, Avvai Shanmugam Salai,
Royapettai,
Chennai – 600 0114.

2.The Deputy General Manager,
Indian Bank,
Zonal Office,
Cuddalore.

W.P.No.1349 of 2020

PL(CO)
RVM(03/12/2021)